GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commercial Taxes Department - Surprise check conducted over the Integrated Check Post, Bheemunivaripalem, Tada Mandal, SPSR Nellore District on 20.01.2016 – Allegations of Corruption – Common Disciplinary proceedings initiated- Inquiry under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991- Articles of Charge framed against Sri B.Gopal, Assistant Commercial Tax Officer, Commercial Taxes Department – Orders-Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.635 **Dated:07.06.2019**
Read:

G.O.Ms.No.311, Revenue (Vigilance – II) Department, Dated 07-06-2019.

@@

O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference read above, it is considered necessary to hold an enquiry against Sri B. Gopal, Assistant Commercial Tax Officer, Commercial Taxes Department, Integrated Check Post, Bheemunivaripalem, Tada Mandal, SPSR Nellore District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri B. Gopal, Assistant Commercial Tax Officer, Commercial Taxes Department, Integrated Check Post, Bheemunivaripalem, Tada Mandal, SPSR Nellore District is directed to submit within ten days of the receipt of this order, a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri B.Gopal, Assistant Commercial Tax Officer, Commercial Taxes Department, Integrated Check Post, Bheemunivaripalem, Tada Mandal, SPSR Nellore District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri B.Gopal, Assistant Commercial Tax Officer, Commercial Taxes Department, Integrated Check Post, Bheemunivaripalem, Tada Mandal, SPSR Nellore District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his

Contd.,2

service under Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri B. Gopal, Assistant Commercial Tax Officer, Commercial Taxes Department, Integrated Check Post, Bheemunivaripalem, Tada Mandal, SPSR Nellore District (w.e, Annexures-I to IV) **through** the Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

The Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada.

Copy to:

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI BATHALA GOPAL S/O. SESHAIAH, AGE: 38 YEARS, OCC: ASST. COMMERCIAL TAX OFFICER, COMMERCIAL TAX DEPARTMENT, INCOMING CHECK POST, ICP, B.V.PALEM, TADA MANDAL,SPSR NELLORE DISTRICT

That Sri Bathala Gopal S/o Somaiah joined in Government Service on 19.10.2002, as Secondary Grade Teacher worked at MP Elementary School, Armalapalem from 19.10.2002 to 25.11.2005, promoted as School Asst and worked at ZPHS, Mangalampadu from 26.11.2005 to 23.07.2009, worked at Mannarproluru from 24.07.2009 to 22.09.2010, Joined as Asst. Section Officer, AP. Secretariat from 23.09.2010 to 14.12.2012, Worked as Assistant Commercial Tax Officer at O/o Commercial Tax Office, Bapatla from 15.12.2012 to 05.12.2015 and working on as thus at Integrated Check Post, B.V.Palem, Tada, Nellore District since 12.12.2015. His date of birth is on 05.03.1978 and date of retirement on attaining the age of superannuation is 31.03.2038. He is here-in-after referred to as Government Servant. While functioning as Assistant Commercial Tax Officer, Commercial Tax Department (Incoming Check Post) Integrated Check Post, B.V.Palem, Tada (Mandal) committed grave misconduct in as

CHARGE:- That Sri B. Gopal, Assistant Commercial Tax Officer, Commercial Tax Department (Incoming Check Post), Integrated Check Post, BV Palem, Tada Mandal being a public servant on duty Together with One Assistant Commercial Tax Officer, One Senior Assistant, Five Junior Assistants and two attenders found with an unaccounted amount of Rs.8,980/- in the premises of Incoming Check Post and failed to account for the unaccounted amount and also allowed the crew of the vehicles passing through the check post to pay the amounts ranging from Rs.100/- to Rs.200/- and allowing them to flouted the rules. The usual collection on 20.01.2016 of Rs.2,540/- was seized along with unaccounted cash.

Thus, Sri B Gopal, Assistant Commercial Tax Officer by the above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby violated Rule 3 (1) & (2) and 9 (8) (A) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – II

STATEMENT OF IMPUTATIONS IN SUPPORT OF ARTICLES OF CHARGE FRAMED AGAINST SRI BATHALA GOPAL S/o. SESHAIAH, AGE: 38 YEARS, OCC: ASST. COMMERCIAL TAX OFFICER, COMMERCIAL TAX DEPARTMENT, INCOMING CHECK POST, ICP, B.V.PALEM, TADA MANDAL,SPSR NELLORE DISTRICT

That Sri B Gopal S/o Somaiah is a native of M Jangalapalli Village, SPSR Nellore District and joined in Government Service on 19.10.2002, as Secondary Grade Teacher worked at MP Elementary School, Armalapalem from 19.10.2002 to 25.11.2005, promoted as School Asst and worked at ZPHS, Mangalampadu from 26.11.2005 to 23.07.2009, worked at Mannarproluru from 24.07.2009 to 22.09.2010, Joined as Assistant Section Officer, AP.Secretariat from 23.09.2010 to 14.12.2012, Worked as Assistant Commercial Tax Officer at O/o Commercial Tax Office, Bapatla from 15.12.2012 to 05.12.2015 and working on as thus at Integrated Check Post, B.V.Palem, Tada, Nellore District since 12.12.2015. His date of birth is on 05.03.1978 and date of retirement on attaining the age of superannuation is 31.03.2038. He is here-in-after referred to as Government Servant.

CHARGE:- That Sri B. Gopal, Assistant Commercial Tax Officer, Commercial Tax Department (Incoming Check Post), Integrated Check Post, BV Palem, Tada Mandal being a public servant on duty together with One Assistant Commercial Tax Officer, One Senior Assistant, Five Junior Assistants and two attenders found with an unaccounted amount of Rs.8,980/- in the premises of Incoming Check Post and failed to account for the unaccounted amount and also allowed the crew of the vehicles passing through the check post to pay the amounts ranging from Rs.100/- to Rs.200/- and allowing them to flouted the rules. The usual collection on 20.01.2016 of Rs.2,540/- was seized along with unaccounted cash.

FACTS AND EVIDENCE:-

On credible information that the officers and staff of Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District are indulging in corrupt practices and collecting illegal gratifications/mamools from the crew of vehicles plying through Integrated Check Post, B.V.Palem, a surprise check was conducted over Transport Wing, Commercial Taxes Incoming and Outgoing Wings of Integrated Check Post, B.V.Palem on 20.01.2016 from 07.45 am to 12.30 am with three teams headed by the Deputy Superintendent of Police, Anti Corruption Bureau Nellore Range, Nellore in the presence of mediators. The surprise check revealed the following irregularities and violations.

The officials of Incoming Check Post engaged two private persons for collecting mamools ranging from Rs.100/- To Rs.150/- from the crew of the vehicles as usual practice for ignoring the violations. At the time of surprise check 1) Sri B Gopal, Assistant Commercial Tax Officer, 2) Sri SK. Shabbir, Senior Assistant, 3) Sri Vootla Bala Krishna,Data Entry Operator, 4) Sri Potluri Hari Krishna, Junior Assistant, 5) Sri Chillakuru Sukumar, Junior Assistant were found on duty the same was reflected in the Duty Register and 1) Sri K Rami Reddy, Assistant Commercial Tax Officer, 2) Sri K Srinivas, Junior Assistant, 3) Sri K Muni Swamy, Junior Assistant, 4) Sri Ch Nageswara Rao, Attender, 5) Sri R Balaji Singh, Attender were not found during the surprise check i.e. at about 07.55 am, on enquiry with Assistant Commercial Tax Officer Sri B Gopal stated that the five persons are left just before arrival of Anti Corruption Bureau Surprise Check party. The Deputy Superintendent of Police verified the Attendance Register, it was noticed that 1) Sri K Rami Reddy, Assistant Commercial Tax Officer, 2) Sri K Srinivas, Junior Assistant, 3) Sri K Muni Swamy, Junior Assistant, 4) Sri Ch Nageswara Rao, Attender, 5) Sri R Balaji

Contd.,2

Singh, Attender were signed in the register on the shift duty of 19.01.2016 (08.00 pm) to 20.01.2016 (08.00 am). It is presumed that on observing the arrival of Surprise Check Part, the above mentioned staff of Integrated Check Post, B.V.Palem might have been escaped from the duties who were supposed to be present in the duties till 08.00 am on 20.01.2016.

During the surprise check an unaccounted amount of Rs.8,980/- was found besides southern wall i.e. outside of the Check post. When enquired the staff of the Incoming Check Post, all are kept silent. Then the Deputy Superintendent of Police seized the unaccounted and unclaimed amount of Rs.8,980/-.

While surprise check is going on by the Inspector, as usual the crew of the vehicles plying through the Incoming Commercial Check Post (ICP) visiting the counters of the said check post along with vehicle goods records in one hand and currency notes in other hand and paying the amounts to the staff for entering their goods particulars in the prescribed forms and for issuing computer generated tokens/receipts/slips(transit passes), in token of entering the Transport Material/Goods particulars in the relevant records. At random crew of the vehicles who paid formalities/mamools to the officials of Incoming commercial tax check post were secured and examined.

When examined they stated that they are paying amounts as formalities/mamools as a routine process to them and they are paying the formalities/mamools to the officials of Incoming Commercial Tax check post for not looking in to the violations they have committed in transportation of goods and materials and to obtain transit permits/tokens etc. Their statements were obtained.

The Deputy Superintendent of Police confronted the version of the crew of vehicles who paid mamools and when the Deputy Superintendent of Police asked about the accountability of unaccounted amount of Rs.2,450/-, all are kept silent and did not say anything. During the course of their explanation they failed to produce any record to prove the same and it is clearly mentioned in the statement of crew of the vehicles. They categorially stated the staff of Incoming Commercial Tax Check post Wing officials are collecting mamools for free passage of the vehicles without putting any obstacles.

As per the statements of the crew members it was confirmed that the amount was collected from them for ignoring the violations during the transportation of the goods in the vehicles and the amount of Rs. 2,450/- was seized under the surprise check proceedings.

Thus total an amount of Rs.11,430/- (Rs.8,980/- + Rs.2,450/-) was seized at the Incoming Commercial Tax Check Post Wing.

Therefore the Government Servant Sri B.Gopal, Assistant Commercial Tax Officer by his above-mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1) 86 (2) and 9 (8) (A) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus the Government Servant has therefore rendered himself liable for departmental action for major penalty for his misconduct.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – III

LIST OF DOCUMENTS:

1) Duty Register (Attendance Register) of ICP, B.V.Palem

2) Personal Cash Register of ICP, B.V.Palem

3) Personal Cash Register of Out Sourcing Employees of ICP, B.V.Palem

4) Duty Chart of Commercial Taxes wing officials of ICP, B.V. Palem, Tada (M), SPSR Nellore District - for the month of January, 2016

5) Letter of Administrative Officer, ICP, B.V. Palem, SPSR Nellore District in Rc.No. 10/2015/HC Dated: 23.01.2016 - Containing the service particulars of Sri K. Rami Reddy and two others.

6) Rough Sketch of Scene of Offence, Dt: 20.01.2016.

7) Surprise Check Proceedings drafted on 20.01.2016 for the Surprise Check conducted over the 1CP, BV Palem, Tada Mandal, SPSR Nellore District

8) Signed statements of Statements of

   a) Sri Md. Minhaz S/o Md. Sakkur, Age: 25 Years, Occ: Driver R/o: Kodrama Village & Mandal, Jharkhand State

   b) Sri Mari Jaya Kumar S/o Mari, Age: 28 Years, Occ: Driver, R/o: Bhavani Nagar, Red Hills, Chennai, Tamil Nadu,

   c) Sri Pagadala Srinivasa Rao S/o Kotaiah, Age: 44 Years, Occ: Driver R/o D.No.: 25-16-86, Srinivasa Rao Peta, Guntur Town, Guntur District, A.P

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE -IV

LIST OF WITNESSES

1) Sri Md. Minhaz S/o Md. Sakkur, Age: 25 Years, Occ: Driver R/o: Kodrama Village & Mandal, Jharkhand State, Load: Ashok Lay Land Tempo Vehicles, from Chennai to Kolkatta, Vehicle No. NL 01 D 6265.
   He speaks about paying amount as mammool as routine process to the officials of incoming Commercial Tax Wing check Post for not looking into the violations committed in transportation of goods and materials.
2) Sri Mari Jaya Kumar S/o Mari, Age: 28 Years, Occ: Driver, R/o: Bhavani Nagar, Red Hills, Chennai, Tamil Nadu, Cell: 9566092731, Load: Paper, from Chennai to Rajahmundry, Vehicle No. TN 20 Y 8453.
   He speaks about paying amount as mammool as routine process to the officials of Incoming Commercial Tax Wing check Post for not looking into the violations committed in transportation of goods and materials.
3) Sri Pagadala Srinivasa Rao S/o Kotaiah, Age: 44 Years, Occ: Driver R/o D.No.: 25-16-86, Srinivasa Rao Peta, Guntur Town, Guntur District, A.P. cell: 9502534799, Load: Red Grams, from Chennai to Ganapavaram, Vehicle No. AP 07 TE 2454.
   He speaks about paying amount as mammool as routine process to the officials of Incoming Commercial Tax Wing check Post for not looking into the violations committed in transportation of goods and materials.
4) Sri Chintapatri Soma Sekhar S/o Ramaiah, Age: 40 years, Asst. Treasury Officer, O/o. DTO, Nellore R/o Flat No.5, Manasvi Kuteer, Magunta Lay Out, Nellore, SPSR Nellore District. (Mediator No.1).
   He is the mediator, he speaks about the contents of the surprise check proceedings at the time of surprise check over the Transport wing Check Post on 20.01.2016.
5) Sri Chilakamarti Venkata Krishna S/o Late Surya Narayana Murty, Age: 32 years, Senior Assistant, O/o. DTO, Nellore R/o: LIG-II, APHB Colony, Near Collector Bungalow, Srikakulam. (Mediator No.2).
   He is the mediator, he speaks about the contents of the surprise check proceedings at the time of surprise check over the Transport wing Check Post on 20.01.2016.
6) Sri Patti Mahesh S/o. Mastan Naidu, Age: 26 Years, Asst. Executive Engineer, Irrigation Department O/o. Executive Engineer, Drainage Division, Ramalingapuram, Nellore R/o: Veligantipalem, Podalakur(M), SPSR Nellore District (Mediator).
   He is the mediator, he speaks about the contents of the surprise check proceedings at the time of surprise check over the Incoming Commercial Tax Wing Check Post on 20.01.2016.
7) Sri Bachiraju Srinivas Kiran Kumar S/o. B. Sundara Raja Rao, Age: 26 Years, Jr. Asst, O/o. Supdt. Engineer, Irrigation Circle, Nellore R/o: MIG-245, KPHB Colony, Kallurupalli(V), SPSR Nellore District (Mediator).
   He is the mediator, he speaks about the contents of the surprise check proceedings at the time of surprise check over the Incoming Commercial Tax Wing Check Post on 20.01.2016.
8) Sri N. Siva Kumar Reddy, Inspector of Police, ACB, Nellore Range, Nellore.
9) Sri T. Prabhakar, the then Dy.Supdt. of Police, ACB, Nellore Range, Nellore now working as DSP, ACB, Ongole, Prakasam District.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER